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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Irma Gomez, a married woman,  
10 individually,

11 Plaintiff,

12 v.

13 Wal-Mart Incorporated, a Delaware  
14 corporation, et al.,

Defendants.

No. CV 22-00207-TUC-JR

**ORDER SETTING RULE 16 CASE  
MANAGEMENT CONFERENCE**

15 Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Case Management  
16 Conference is set for **July 12, 2022, at 10:00 a.m.** The conference will be held  
17 telephonically with the Judge's law clerk. Plaintiff's counsel shall initiate the conference  
18 call with all appropriate parties on the line by calling (520) 205-4641. In preparation for  
19 this Case Management Conference, it is hereby ordered as follows:

20 A. Rule 26(f) Meeting and Case Management Report.

21 The parties are directed to meet and confer at least 10 days before the Case  
22 Management Conference as required by Federal Rule of Civil Procedure 26(f). At this  
23 meeting the parties shall develop a joint Case Management Report which contains the  
24 information called for in section B.

25 B. Joint Case Management Report.

26 The parties' Joint Case Management Report shall contain the following information  
27 in separately numbered paragraphs.

28 1. The parties who attended the Rule 26(f) meeting and assisted in developing

1 the Case Management Report;

2 2. A list of the parties in the case, including any parent corporations or entities  
3 (for recusal purposes);

4 3. A short statement of the nature of the case (3 pages or less);

5 4. The jurisdictional basis for the case, describing the basis for jurisdiction (see  
6 the accompanying footnote) and citing specific jurisdictional statutes;<sup>1</sup>

7 5. Any parties which have not been served and an explanation of why they have  
8 not been served, and any parties which have been served but have not answered or  
9 otherwise appeared;

10 6. A statement of whether any party expects to add additional parties to the case  
11 or otherwise to amend pleadings (the Court will set a deadline at the Case Management  
12 Conference for joining parties and amending pleadings);

13 7. A listing of contemplated motions and a statement of the issues to be decided  
14 by these motions (including motions under Federal Rules of Evidence 702, 703, 704,  
15 and 705);

16 8. Whether the case is suitable for reference to a United States Magistrate Judge  
17 for a settlement conference or trial;

18 9. The status of related cases pending before other courts or other judges of this  
19 Court;

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21 <sup>1</sup> If jurisdiction is based on diversity of citizenship, the report shall include a statement of  
22 the citizenship of every party and a description of the amount in dispute. *See* 28 U.S.C.  
23 §1332. The parties are reminded that (1) a corporation is a citizen of the state where it is  
24 incorporated and the state of its principal place of business, and (2) partnerships and limited  
25 liability companies are citizens of every state in which one of their partners or members  
26 resides. *See* 28 U.S.C. §1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th  
27 Cir. 1990); *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692  
28 (7th Cir. 2003). The parties are further reminded that the use of fictitious parties (“John  
Doe” or “ABC Corporation”) “casts no magical spell on a complaint otherwise lacking in  
diversity jurisdiction.” *Fifty Assocs. v. Prudential Ins. Co. of Am.*, 446 F.2d 1187, 1191  
(9th Cir. 1970) (citations omitted).

1           10. A discussion of any issues relating to preservation, disclosure, or discovery  
2 of electronically stored information, including the parties' preservation of electronically  
3 stored information and the form or forms in which it will be produced (*see* Rules 16(b)(3),  
4 26(f)(3));

5           11. A discussion of any issues relating to claims of privilege or work product  
6 (*see* Rules 16(b)(3), 26(f)(3));

7           12. A discussion of whether an order under Federal Rule of Evidence 502(d) is  
8 warranted in this case;

9           13. A discussion of necessary discovery, including:

10               a. The extent, nature, and location of discovery anticipated by the parties  
11 and why it is proportional to the needs of the case;

12               b. Suggested changes, if any, to the discovery limitations imposed by the  
13 Federal Rules of Civil Procedure;

14               c. The number of hours permitted for each deposition. The parties  
15 should consider whether a total number of depositions hours should be set in the case, such  
16 as 30 total hours for Plaintiffs and 30 total hours for Defendants. Such overall time limits  
17 have the advantage of providing an incentive for each side to be as efficient as possible in  
18 each deposition, while also allowing parties to allocate time among witnesses depending  
19 on the importance and complexity of subjects to be covered with the witnesses.

20           15. Proposed specific dates for each of the following (deadlines should fall on a  
21 Friday unless impracticable):

22               a. A deadline for the completion of fact discovery;

23               b. Dates for full and complete expert disclosures under Federal Rule of  
24 Civil Procedure 26(a)(2)(A)-(C);

25               c. A deadline for completion of all expert depositions;

26               d. A date by which the parties shall have engaged in face-to-face good  
27 faith settlement talks;

28               e. A deadline for filing dispositive motions.

1           16. Whether a jury trial has been requested and whether the request for a jury  
2 trial is contested (if the request is contested, briefly set forth the reasons);

3           17. The prospects for settlement, including any request of the Court for  
4 assistance in settlement efforts; and

5           18. Any other matters that will aid the Court and parties in resolving this case in  
6 a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure 1.

7           The parties shall jointly file the Case Management Report with the Clerk not less  
8 than seven days before the Case Management Conference. It is the responsibility of  
9 Plaintiff(s) to initiate the Rule 26(f) meeting and preparation of the joint Case Management  
10 Report. Defendant(s) shall promptly and cooperatively participate in the Rule 26(f)  
11 meeting and assist in preparation of the Case Management Report.

12 C. Case Management Order.

13           The Court directs counsel and any unrepresented parties to Federal Rule of Civil  
14 Procedure 16 for the objectives of the Case Management Conference. Counsel who will  
15 be responsible for trial of the lawsuit for each party, and any party that is not represented  
16 by counsel, shall appear and participate in the Case Management Conference and shall  
17 have authority to enter into stipulations regarding all matters that may be discussed.  
18 A continuance of the Case Management Conference will be granted only for good cause.

19           As a result of the Case Management Conference, the Court will enter a Case  
20 Management Order. The Court fully intends to enforce the deadlines in the Case  
21 Management Order. The parties should plan their litigation activities accordingly.

22 D. Other Matters.

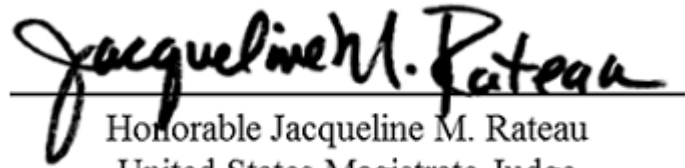
23           The parties are expected to comply fully with the Federal and Local Rules of Civil  
24 Procedure and to minimize the expense of discovery. The parties should ensure that all  
25 filings comply with Local Rules of Civil Procedure 7.1 and 7.2. In addition, in all filings,  
26 citations in support of any assertion in the text shall be included in the text, not in footnotes.

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1 The Clerk of the Court shall send copies of this order to all counsel of record and to any  
2 unrepresented parties.

3 Dated this 26th day of May, 2022.

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6 Honorable Jacqueline M. Rateau  
7 United States Magistrate Judge  
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